

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRYAN SCOTT,)	
)	
Plaintiff,)	
)	
v.)	No. 4:04CV29 FRB
)	
WERNER ENTERPRISES, INC.,)	
)	
Defendant.)	

ORDER

This cause is before the Court on various pretrial motions of defendant Werner Enterprises, Inc., relating to the course of the proceedings and the introduction of evidence at the trial of the cause, presently scheduled to commence Monday, August 22, 2005. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c). A pretrial conference at which the various motions were addressed was held before the Court on August 17, 2005.

For the reasons stated on the record at the conference,

IT IS HEREBY ORDERED that defendant Werner Enterprises, Inc.'s Motion to Dismiss or to Strike Punitive Damages Claim (Docket No. 83) is **DENIED**.

IT IS FURTHER ORDERED that defendant Werner Enterprises, Inc.'s Motion to Bifurcate Trial (Docket No. 81) is **GRANTED**.

IT IS FURTHER ORDERED that defendant Werner Enterprises,

Inc.'s Motion in Limine Regarding Claim for Punitive Damages (Docket No. 82) is **GRANTED** to the extent defendant seeks to exclude, during the liability portion of the trial, all statements, evidence and testimony relating to punitive damages.

IT IS FURTHER ORDERED that defendant Werner Enterprises, Inc.'s Motion in Limine to Exclude Evidence Regarding Other Motor Vehicle Accidents Involving David Travis (Docket No. 86) is **GRANTED** to the extent defendant seeks to exclude all statements, evidence and testimony relating thereto during the liability portion of the trial.

IT IS FURTHER ORDERED that defendant Werner Enterprises, Inc.'s Motion in Limine Concerning David Travis' Prior Violations of Safety Regulations, Prior Medical Suspension and Revocation, and Alleged Falsification of Logs (Docket No. 88) is **DENIED** to the extent defendant seeks to exclude all statements, evidence and testimony relating to David Travis' alleged falsification of logs in the days immediately preceding the accident at issue in this cause. In all other respects, the motion is **GRANTED** to the extent defendant seeks to exclude, during the liability portion of the trial, such other evidence delineated.

IT IS FURTHER ORDERED that to the extent plaintiff Bryan Scott may seek to introduce such otherwise excluded statements, evidence and testimony during the punitive damages portion of trial, the determination as to the admissibility of such evidence

and its scope of introduction will be made in the event defendant is found liable for plaintiff's injuries, and at such time as the Court determines the matter shall proceed to such stage.


UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of August, 2005.